

Consultation Process for Non-metropolitan Locally Elected and Appointed Officials
Delaware Department of Transportation
June 12, 2006

Introduction

The 1998 Federal Transportation Equity Act for the 21st Century (TEA-21) required the states to give “non-metropolitan” locally elected and appointed officials (non-metropolitan local officials) a stronger role in statewide long-range transportation planning and capital improvement programming. TEA-21 defined “non-metropolitan” areas as the areas outside designated metropolitan planning areas, which include urbanized areas of 50,000 residents or more. Non-metropolitan local officials were defined as elected or appointed officials or general-purpose local governments that have jurisdiction over or responsibility for transportation. TEA-21 specifically required that each state consult with its non-metropolitan local officials during the development of the statewide long-range transportation plan and capital transportation program. The intent of this provision is to ensure that areas of states not represented by metropolitan planning organizations are given fair and equal access to the transportation planning and capital programming processes. In Delaware this requirement pertains only to Sussex County. New Castle County is part of a larger area that is represented by the Wilmington Area Planning Council (WILMAPCO). WILMAPCO is the designated Metropolitan Planning Organization (MPO) for the region that also includes Cecil County, Maryland. Kent County in turn, is represented by the Dover/Kent County Metropolitan Planning Organization, which includes the Cities of Milford and Smyrna in their entirety.

On January 23, 2003 the United States Department of Transportation, Federal Highway Administration (FHWA) published its final rule related to this requirement. This rule included two actions required of all states. First, it required that states with “non-metropolitan” areas implement and document a consultation process for non-metropolitan local officials by February 24, 2004. This provision also required that the process be separate and distinct from the more generalized public involvement process used by the state. Second, it required that states review and solicit comments on their consultation process within two years of documenting and implementing it, and every five years thereafter.

On January 27, 2004 the Delaware Department of Transportation (DelDOT) completed the documentation of its Consultation Process for Non-metropolitan Locally Elected and Appointed Officials (Non-metropolitan Consultation Process). DelDOT provided copies of it to the Delaware Division of the FHWA in Dover and the regional office of the Federal Transit Administration (FTA) in Philadelphia, Pennsylvania, and posted the same to its website.

On January 31, 2006 DelDOT initiated the biennial review of the Non-metropolitan Consultation Process by advertising its availability for review and comment in two daily and 6 weekly newspapers in Sussex County, and via a posting to its website. DelDOT also provided a copy of the Non-metropolitan Consultation Process to the Sussex County Administration. The County indicated that they believe the existing process provides them with fair and equal access to the transportation and capital program planning that is done by DelDOT, and that in the absence of a formal metropolitan planning organization they support the existing process.

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In addition to the above, one request for a copy of the Non-metropolitan Consultation Process was received and filled by DelDOT and no comments on it were received. As a result, no changes to the existing Non-metropolitan Consultation Process, which appears below, were made.

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Since 1994 the Department has involved non-metropolitan local officials in the development of its Capital Transportation Program (CTP), and has done the same for its Statewide Long Range Transportation Plan since 1995. The consultation process used for both of these products is described below.

Capital Transportation Program (CTP)

In Delaware, the programming of funds for the purpose of improving the transportation system is governed, in part, by the Council on Transportation (COT). The COT is a nine-member panel appointed by the Governor to advise on issues related transportation and to seek public comment on and adopt the Department's six-year CTP. The COT plays a key role in the consultation process with non-metropolitan local officials in Sussex County in two very important ways.

First, in appointing and maintaining the membership of the COT, the Governor must maintain equal representation among the three counties in the State. The Governor endeavors to ensure that the interest of people living within and outside of incorporated areas in Sussex County are well represented. Second, at the end of August of each year the COT reviews the projects to be included in the draft CTP and actively seeks comments through workshops held in each county during September. COT members reach out to locally elected and appointed officials as they consider the projects included in the draft CTP. Sussex County reviews the proposed CTP and provides comments regarding proposed capital projects through this process. The County Administrator, as spokesperson for Sussex County Council, has historically provided the Department with their coordinated list of priorities during this time.

Statewide Long Range Transportation Plan

The purpose of the Statewide Long Range Plan (Plan) is to help everyone understand what the Department is going to do to build, manage, and maintain the transportation system over a twenty year horizon. The Plan provides overarching policy guidance, and it outlines the goals, strategies, policies, and actions it is using to meet its mission and provide transportation facilities and services throughout the State. These elements of the Plan influence the work of the entire Department. They are developed in concert with the comprehensive land use plans and long range transportation plans produced by the metropolitan planning organizations, and at the county and local level. The Plan is created in close consultation, coordination and cooperation with non-metropolitan local officials. They are involved with its development and implementation of the Plan in two very important ways.

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First, the Department specifically engages non-metropolitan local officials, as the Plan is being developed and updated. Although the approach and levels of participation varies slightly each time the Plan is updated, at a minimum outreach efforts include the following:

- Introductory letter mailed directly to locally elected and appointed officials at the county and local levels. The purpose of these mailings is to let officials know what the Department is doing, to distribute draft products for review, and to let them know when and how they can provide their comments;
- Interviews with briefings for locally elected and appointed officials. This includes interviews and/or briefings with the Sussex County Administrator, the Sussex County Council, and with the managers, mayors and councils of local governments throughout the County. The purpose of these interviews and briefings is to solicit comments on the current Plan and how it should be updated to reflect new or changing needs within the county or particular municipality; and,
- Extensive mailings to other agencies and organizations. These include social service agencies, public libraries, associations of towns (e.g., the Sussex County Association of Towns and the Association of Coastal Towns), and other agencies and organizations engaged with local government officials in the decision making process.

Second, the Department maintains a county-based transportation plan for Sussex County. There is no federal or state mandate to maintain a long-range transportation plan for Sussex County, but the Department does so as a means of providing the County with the same level of long range transportation planning afforded Kent and New Castle Counties through their respective metropolitan planning organizations. While the Statewide Long Range Transportation Plan provides overarching policy guidance, the Sussex County Long Range Transportation Plan provides more project specific details.

Although the Department provides the resources and manages the effort to update and produce the Sussex County Long Range Transportation Plan, the Plan belongs to the County. As such, it was originally produced and is updated under the direction of a Public Advisory Committee (PAC). The PAC is comprised of locally elected and appointed officials, and members of the public and other agencies and organizations involved with the decision making process.

Maintaining a separate long-range transportation plan for Sussex County is an important means of ensuring effective consultation with the non-metropolitan local officials in Sussex County. Locally elected and appointed officials that are responsible for making land-use decisions are involved in its development, so the Plan serves to strengthen the tie between the county comprehensive land use plan and the Statewide Long Range Transportation Plan, and for all other facilities and services that the Department develops within the County.

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Next Steps

DelDOT is committed to meeting the provisions of the final rule, and to carrying out and pursuing opportunities to improve its Non-metropolitan Consultation Process. The Department will continue to make copies of the Non-metropolitan Consultation Process available via its website and upon request. Although the final rule requires that the Non-metropolitan Consultation Process be revisited five years from its first biennial review, DelDOT will revise it more frequently if conditions and circumstances warrant.

Contact Information

Anyone with any questions, comments or suggestions regarding the Non-metropolitan Consultation Process is encouraged to contact:

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